Acknowledgment and Notice of Acknowledgment of Acceptance of R.S. 2477 Right-of-Way Grant

Ent 251518 Bk 431 Pg 466
Date: 21-MAY-2008 10:53AM
Fee: None
Filed By: LB
LES BARKER, Recorder
GARFIELD COUNTY CORPORATION
For: GOVERNOR/STATE OF UTAH

THE STATE OF UTAH

TO ALL WHOM THESE PRESENTS SHALL COME, Greeting:

Know ye, This is an Acknowledgment and Notice of Acknowledgment made under Utah Code Sections 72-5-309 through 310 inclusive, that the grant of the United States of America of "the right of way for the construction of highways over public lands, not reserved for public uses" under United States Revised Statutes 2477 (43 U.S.C. Section 932 (repealed October 21, 1976, with proviso recognizing the validity of rights-of-way already established)) was accepted for and on behalf of the State of Utah and its political subdivision Garfield County as it pertains to the highway located in Garfield County known as POISON CREEK ROAD; County Road Number: 1175; State Geographic Information Database (SGID) Road Identification Number: RD090113. Total road length is 2.53 miles more or less.

The reason for this Acknowledgment and Notice of Acknowledgment includes, but is not limited to, the fact that the road was constructed, mechanically, or by continuous use as a public highway for a period of at least ten years, over public lands not reserved for public uses, prior to the earlier of (a) the October 21, 1976 repeal of R.S. 2477 or (b) the date the servient estate was reserved for public uses.

This Acknowledgment and Notice of Acknowledgment applies only to the segments of the road that traverse land owned by the Bureau of Land Management, United States Department of the Interior, and does not apply to segments of the road that traverse land owned by any other person or entity. The State of Utah and its political subdivisions reserve the right to make further acknowledgments and notices of acknowledgment with regard to road segments that traverse land owned by other entities, including the United States of America, through one or more of its agencies.

A printed copy of a map showing the location of the road in said county is appended hereto as "Attachment 1," a printed copy of representative photos of the road is appended hereto as "Attachment 2," a printed copy of a description of the beginning and ending points of the entire road together with a list of Townships, Ranges and Sections that may be traversed by the road in said county is appended hereto as "Attachment 3," and a printed copy of the Road Centerline Description Cover Page(s) is appended hereto as "Attachment 4." The Appendices listed in "Attachment 4" that contain the actual road centerline descriptions are incorporated herein by reference. Affidavits provided by individuals familiar with the road are appended hereto as "Attachment 5."

A printed copy of this Acknowledgment and Notice of Acknowledgment, together with its Attachments and Appendices, may be viewed and/or obtained at the office of the Utah State Archives.

An electronic copy of this Acknowledgment and Notice of Acknowledgment, together with its Attachments and Appendices, may be viewed and/or downloaded as read-only PDF (Portable Document Format) files via the

Internet at http://recorded2477roads.utah.gov.

The owner of the servient estate in the land underlying the road-segments subject to this Acknowledgment and Notice is believed to be the United States of America through one or more of its agencies. Any of such agencies or any other person with a servient ownership claim or a competing dominant estate right-of-way ownership claim, may file a petition in the State District Court for Salt Lake County for a decision regarding the correctness of this Acknowledgment. A claimant shall file a petition within sixty (60) days after receipt of this Notice.

In Witness Whereof, I, John Harja, the official designee of the Governor of the State of Utah, in conformity to the laws of the State (Utah Code Sections 72-5-308 through 310 inclusive), have caused this Acknowledgment and Notice of Acknowledgment to be made.

Signed by my hand in Salt Lake City, Utah, the 6th day of may, 200 8.

By the Governor's Designee

CERTIFICATION

State of Utah : SS County of Salt Lake

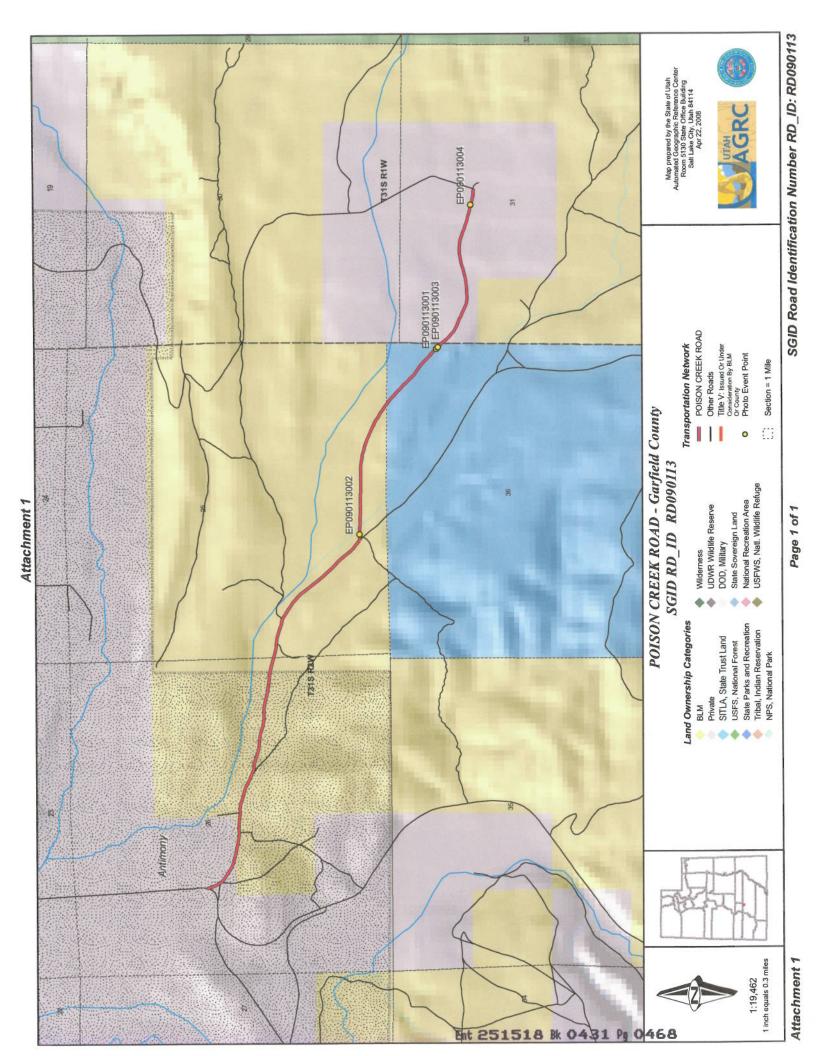
I hereby certify that the signer of the foregoing document, John Harja, is personally known by me, has made a voluntary signature and taken an oath stating that he is the official designee of the Governor of the State of Utah and is authorized to sign this document on the Governor's behalf pursuant to Utah Code Section 72-5-309. He further vouched that, based upon information and belief, the facts alleged therein are true.

NOTARY PUBLIC
PAMELA Z. BLACKHAM
5110 State Office Bldg
Salt Lake City, Utah 84114
COMMISSION EXPIRES

Dated this 6th day of May, 2008.

Panels 2. Blackhan

Notary Public



Attachment 2









EP000000000

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POISON CREEK ROAD - Garfield County SGID RD_ID RD090113



Map prepared by the State of Utah Automated Geographic Reference Center Room 5130 State Office Building Salt Lake City, Utah 84114 April 22, 2008



Attachment 3

Beginning & Ending Points and Township, Range, and Section References For:

Popular Name: POISON CREEK ROAD

County: Garfield

County Road Number: 1175

State Geographic Information Database (SGID) Road Identification Number: RD090113.

Total Road Length: 2.53 miles more or less.

Beginning at a point on the road centerline located at 38 degrees 04 minutes 55.13 seconds North Latitude and -111 degrees 58 minutes 50.21 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,502,081.2 feet and Y = 10,358,203.9 feet based on the US Survey Foot conversion.

Ending at a point on the road centerline located at 38 degrees 04 minutes 11.25 seconds North Latitude and -111 degrees 56 minutes 22.26 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,513,889.2 feet and Y = 10,353,706.8 feet based on the US Survey Foot conversion.

This road may traverse:

Township 31 South Range 1 West, Section(s) 31, Salt Lake Base & Meridian Township 31 South Range 2 West, Section(s) 25,26,36, Salt Lake Base & Meridian See Attachment 1 above for a cartographic depiction of the course of this road.

Attachment 4 Road Centerline Description Cover Page(s)

Popular Name: POISON CREEK ROAD

County: Garfield

County Road Number: 1175

State Geographic Information Database (SGID) Road Identification Number: RD090113.

Total Road Length: 2.53 miles more or less.

Centerline Descriptions Of Road-Segments That Cross Over Federally Owned Land, Derived From Global Positioning System Data And Cross-checked against USGS Digital Orthophoto Quadrangles Compiled By The Utah Automated Geographic Reference Center And Entered Into The State Geographic Information Database (SGID).

Road-Segments Listed by SGID Road Identification Number (RD ID)	Road-Segment Numbers	Believed Ownership Of Servient Estate	Approximate Segment Length	See Attached Appendix
RD090113	001	PVT	0.14 Miles	(not shown)
RD090113	002	BLM	1.59 Miles	A
RD090113	003	ST	0.26 Miles	(not shown)
RD090113	004	PVT	0.53 Miles	(not shown)
		Total Road Length	2.53	

^{*} Indicates that a Title V permit will be requested, is in process, or has been issued.

Page 1 of 1

[†] Indicates that road-segments crossing Forest Service land are under consideration by the state and county as of the date of this Acknowledgment and Notice of Acknowledgment.

Attachment 5

AFFIDAVIT OF PHIL ALLEN POISON CREEK ROAD

GARFIELD COUNTY, UTAH

ROAD NUMBER 1175

State of Utah)
	: SS.
County of Garfield)

PHIL ALLEN, being first duly sworn, deposes and states as follows:

- I am an adult competent to testify about the matters set forth below based upon
 my personal knowledge. I currently reside in Antimony, Garfield County, Utah. I have lived in
 Garfield County for 84 years.
- 2. I have traveled and am familiar with a road in Garfield County known as Poison Creek Road. I am also familiar with the land the road traverses. When I first used and observed the road in the late 1940s it followed the same route as in 2007 when I last observed it. Attached is a Garfield County map showing Poison Creek Road. To the best of my knowledge and based upon my use of and familiarity with this road and the land it traverses, the location and route of the road are correctly illustrated on the attached map.
- 3. I am informed that the County also identifies this road according to the road number listed above.
- 4. I have observed that the road has been open to the public for all to use, to come and go as they pleased, since at least as early as the late1940s and continuing through 1976 to 2007. Throughout this time period I have observed travel on the road by means of cars, trucks and pickup trucks and ATVs. Throughout this time period, the road has been used daily for more than ten continuous years prior to 1976, and was so used in 2007.
- 5. Throughout the time period from the late 1940s to 2007, I have used the road myself for hunting, visiting and working with Hal Jensen and recreation.

- 6. Throughout the time period described in the previous paragraph, I have observed other vehicles from the general public using the road at various times for the uses described in the previous paragraph plus sightseeing, farming and access to private property and livestock operations.
- 7. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the late 1800s and continuing through 1976 to the present, for the uses described in the previous paragraphs.
- 8. Prior to 1976, I observed graders and county road maintenance equipment performing maintenance and construction activities on the road.

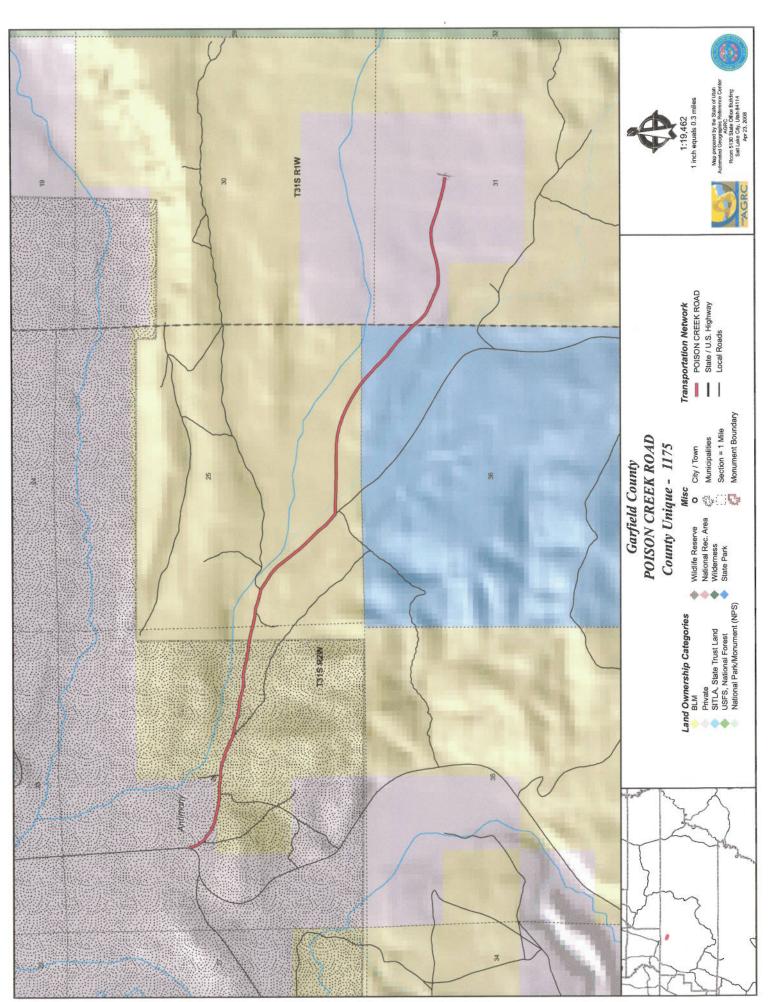
DATED this 2/ day of May, 2008.

PHIL ALLEN

SUBSCRIBED AND SWORN to before me this day of July, 2008.

Notary Public
GLORIA SCHRADER
5110 State Office Bldg.
Salt Lake City, UT 84114-2477
My Commission Expires
October 10, 2008
State of Utah

XSlorei Schrader NOTARY PUBLIC



Ent 251518 Bk 0431 Pg 0475

AFFIDAVIT OF SHANNON D. ALLEN

POISON CREEK ROAD

COUNTY ROAD NUMBER 1175

GARFIELD COUNTY, UTAH

State of Utah)
	: SS.
County of Garfield)

SHANNON D. ALLEN, being first duly sworn, deposes and states as follows:

- I am an adult competent to testify about the matters set forth below based upon my personal knowledge. I have lived in Garfield County for 52 years.
- 2. I have traveled and am familiar with a road in Garfield County known as Poison Creek Road. I am also familiar with the land the road traverses. When I first used and observed the road in 1962, it followed the same route as in 2008 when I last observed it. Attached is a Garfield County map showing Poison Creek Road. To the best of my knowledge and based upon my use of and familiarity with this road and the land it traverses, the location and route of the road are correctly illustrated on the attached map. The County also identifies this road according to the road number listed above.
- 3. I have observed that the road has been open to the public for all to use, to come and go as they pleased, since at least as early as 1962 and continuing through 1976 to 2008. Throughout this time period I have observed travel on the road by various means, including cars, trucks, maintenance vehicles and jeeps. Throughout this time period, the road has been used daily for more than ten continuous years prior to 1976, and was used daily in 2008.

 Throughout the time period from 1962 to 2008, I have used the road for recreation, tourism, ATV riding and hunting.

5. Throughout the time period described in the previous paragraph, I observed vehicles using the road at various times for the uses described in the previous paragraph, plus farming, livestock operations, oil and gas exploration, residential access, prospecting for minerals, rock hounding and government access.

6. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the late 1800s and continuing through 1976 to the present, for the uses described in the previous paragraphs.

7. Prior to 1976, I observed graders performing maintenance and construction activities on the road.

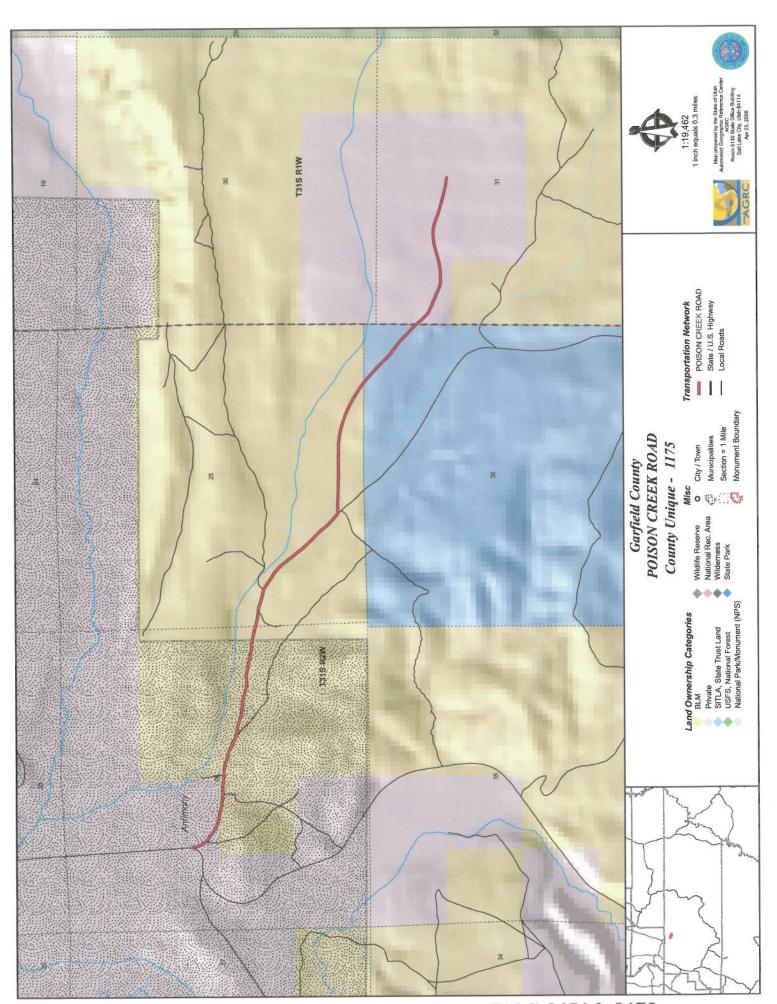
Dated this 21 day of May, 2008.

SHANNON D. ALLEN

SUBSCRIBED AND SWORN to before me this 21st day of May, 2008.

Notary Public
GLORIA SCHRADER
5110 State Office Bldg.
Salt Lake City, UT 84114-2477
My Commission Expires
October 10, 2008
State of Utah

NOTARY PUBLIC



Ent 251518 Bk 0431 Pg 0478

Appendix A to Attachment 4

Popular Name: POISON CREEK ROAD

County: Garfield

County Road Number: 1175

State Geographic Information Database (SGID) Road Identification Number: RD090113.

Road-Segment Number: 002

Road-Segment Length: 1.59 miles more or less.

Believed owner of the land underlying this road-segment is: Bureau of Land Management.

The following description is based upon the geographic coordinate system using the NAD83 Datum. The source is GPS mapping grade data as indicated in the metadata and/or the transportation data model of the State of Utah Geographic Information Database (SGID).

The road-segment itself is the monument that is identified by its physical presence on the land. The location of said physical presence is closely approximated by mapping grade Global Positioning System (GPS) data. Said data are checked against the corresponding gray-scale 1-meter Digital Orthophoto Quadrangles published by the United States Geological Survey (USGS) to verify a reasonable degree of accuracy. In circumstances where accurate satellite signal acquisition is not possible, such as deep, narrow canyons or under a canopy of dense foliage, or where very sharp curves in the road make accuracy questionable, such portions of the road were digitized from the corresponding gray-scale 1-meter Digital Orthophoto Quadrangles published by the United States Geological Survey (USGS).

This road-segment may traverse:

Township 31 South Range 2 West, Section(s) 25,26, Salt Lake Base & Meridian

The following description closely approximates the location of the centerline of the physical monument (POISON CREEK ROAD)-- Segment 002 based on mapping grade Global Positioning System (GPS) data as defined above:

Beginning at a point on the road center line located at 38 degrees 04 minutes 50.42 seconds North Latitude and -111 degrees 58 minutes 43.49 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,502,616.0 feet and Y = 10,357,724.5 feet; thence the following courses along the said road center line:

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thence South 80 Degrees 00 Minutes 20 Seconds East 59.5 feet thence South 76 Degrees 42 Minutes 35 Seconds East 83.7 feet thence South 76 Degrees 58 Minutes 08 Seconds East 85.3 feet thence South 80 Degrees 38 Minutes 13 Seconds East 87.9 feet thence South 85 Degrees 43 Minutes 27 Seconds East 61.6 feet thence South 79 Degrees 26 Minutes 46 Seconds East 33.1 feet thence North 86 Degrees 13 Minutes 17 Seconds East 21.7 feet thence North 86 Degrees 09 Minutes 26 Seconds East 53.3 feet thence North 88 Degrees 22 Minutes 54 Seconds East 71.9 feet thence South 84 Degrees 00 Minutes 53 Seconds East 92.8 feet thence South 83 Degrees 09 Minutes 33 Seconds East 89.6 feet
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thence South 85 Degrees 22 Minutes 59 Seconds East 19.1 feet
thence North 86 Degrees 20 Minutes 34 Seconds East 56.2 feet
thence South 84 Degrees 02 Minutes 21 Seconds East 60.1 feet
thence South 74 Degrees 07 Minutes 16 Seconds East 53 feet
thence South 72 Degrees 12 Minutes 47 Seconds East 52.8 feet
thence South 72 Degrees 57 Minutes 22 Seconds East 60.5 feet
thence South 77 Degrees 11 Minutes 08 Seconds East 65 feet
thence South 75 Degrees 21 Minutes 41 Seconds East
                                                   70 feet
thence South 65 Degrees 41 Minutes 12 Seconds East
                                                    86.6 feet
thence South 62 Degrees 21 Minutes 33 Seconds East 91 feet
thence South 68 Degrees 01 Minutes 29 Seconds East 43.3 feet
thence South 63 Degrees 44 Minutes 43 Seconds East 14.7 feet
thence South 69 Degrees 27 Minutes 21 Seconds East 36.9 feet
thence South 63 Degrees 03 Minutes 18 Seconds East 24.4 feet
thence South 70 Degrees 05 Minutes 07 Seconds East 53.2 feet
thence South 84 Degrees 16 Minutes 49 Seconds East 46.9 feet
thence South 86 Degrees 26 Minutes 41 Seconds East 48.7 feet
thence South 74 Degrees 21 Minutes 53 Seconds East 59.7 feet
thence South 72 Degrees 33 Minutes 19 Seconds East 70 feet
thence South 72 Degrees 57 Minutes 22 Seconds East 82.5 feet
thence South 79 Degrees 20 Minutes 57 Seconds East 84.6 feet
thence South 84 Degrees 20 Minutes 57 Seconds East 82.2 feet
thence South 84 Degrees 10 Minutes 41 Seconds East
                                                   79.9 feet
thence South 79 Degrees 28 Minutes 48 Seconds East 76.8 feet
thence South 74 Degrees 09 Minutes 38 Seconds East 88.5 feet
                                                    90.8 feet
thence South 76 Degrees 43 Minutes 33 Seconds East
thence South 80 Degrees 53 Minutes 11 Seconds East
                                                    80.2 feet
thence North 88 Degrees 27 Minutes 56 Seconds East
                                                    76.8 feet
thence North 89 Degrees 41 Minutes 22 Seconds East 81.1 feet
thence South 81 Degrees 25 Minutes 46 Seconds East 85 feet
thence South 76 Degrees 19 Minutes 32 Seconds East 88.3 feet
thence South 78 Degrees 51 Minutes 05 Seconds East 99.1 feet
thence South 79 Degrees 32 Minutes 04 Seconds East 103.6 feet
thence South 84 Degrees 15 Minutes 00 Seconds East 96.4 feet
                                                    99.2 feet
thence South 83 Degrees 28 Minutes 03 Seconds East
thence South 79 Degrees 14 Minutes 11 Seconds East 109.3 feet
thence South 76 Degrees 00 Minutes 25 Seconds East 119.6 feet
thence South 75 Degrees 54 Minutes 36 Seconds East 73.6 feet
thence South 75 Degrees 54 Minutes 37 Seconds East 51.8 feet
thence South 77 Degrees 29 Minutes 09 Seconds East
                                                   124.2 feet
thence South 84 Degrees 29 Minutes 22 Seconds East 68 feet
thence South 83 Degrees 11 Minutes 07 Seconds East 26.5 feet
thence South 83 Degrees 15 Minutes 18 Seconds East 66.8 feet
thence South 72 Degrees 11 Minutes 50 Seconds East
                                                    73.9 feet
thence South 73 Degrees 06 Minutes 02 Seconds East 77.6 feet
thence South 74 Degrees 10 Minutes 38 Seconds East 82.7 feet
thence South 78 Degrees 07 Minutes 51 Seconds East 46.7 feet
thence South 81 Degrees 41 Minutes 40 Seconds East 21.9 feet
thence South 68 Degrees 30 Minutes 31 Seconds East 8.8 feet
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thence South 72 Degrees 47 Minutes 04 Seconds East 6.5 feet
thence South 77 Degrees 40 Minutes 36 Seconds East 19.5 feet
thence South 56 Degrees 31 Minutes 37 Seconds East 56.1 feet
thence South 56 Degrees 32 Minutes 26 Seconds East 65.5 feet
thence South 56 Degrees 18 Minutes 49 Seconds East 68.1 feet
thence South 59 Degrees 55 Minutes 19 Seconds East 61.6 feet
thence South 58 Degrees 14 Minutes 23 Seconds East 61.2 feet
thence South 51 Degrees 07 Minutes 45 Seconds East 73.2 feet
thence South 45 Degrees 58 Minutes 49 Seconds East 79.4 feet
thence South 43 Degrees 12 Minutes 12 Seconds East 69.4 feet
thence South 39 Degrees 55 Minutes 15 Seconds East 61.8 feet
thence South 38 Degrees 45 Minutes 27 Seconds East 69.1 feet
thence South 37 Degrees 03 Minutes 27 Seconds East 92.2 feet
thence South 38 Degrees 43 Minutes 10 Seconds East 117.3 feet
thence South 39 Degrees 30 Minutes 50 Seconds East 108 feet
thence South 40 Degrees 57 Minutes 03 Seconds East 103.8 feet
thence South 44 Degrees 06 Minutes 37 Seconds East 88.7 feet
thence South 45 Degrees 08 Minutes 28 Seconds East 78.7 feet
thence South 45 Degrees 55 Minutes 22 Seconds East 86.8 feet
thence South 43 Degrees 58 Minutes 40 Seconds East 99.8 feet
thence South 39 Degrees 27 Minutes 56 Seconds East 88.9 feet
thence South 40 Degrees 34 Minutes 22 Seconds East 84.3 feet
thence South 45 Degrees 18 Minutes 36 Seconds East 81.2 feet
thence South 49 Degrees 22 Minutes 10 Seconds East 72.1 feet
thence South 52 Degrees 55 Minutes 06 Seconds East 64.8 feet
thence South 44 Degrees 31 Minutes 31 Seconds East 16.9 feet
thence South 39 Degrees 27 Minutes 15 Seconds East 18.2 feet
thence North 87 Degrees 20 Minutes 11 Seconds East 71.9 feet
thence South 88 Degrees 21 Minutes 07 Seconds East 38.4 feet
thence South 88 Degrees 22 Minutes 31 Seconds East 48.6 feet
thence South 88 Degrees 25 Minutes 56 Seconds East 40.1 feet
thence North 89 Degrees 41 Minutes 23 Seconds East 16.1 feet
thence South 88 Degrees 07 Minutes 53 Seconds East 60.4 feet
thence South 88 Degrees 12 Minutes 40 Seconds East 62.7 feet
thence South 88 Degrees 36 Minutes 01 Seconds East 66 feet
thence South 88 Degrees 09 Minutes 33 Seconds East 70 feet
thence North 87 Degrees 46 Minutes 50 Seconds East 9.9 feet
thence South 88 Degrees 30 Minutes 39 Seconds East 62.7 feet
thence South 89 Degrees 32 Minutes 58 Seconds East
                                                   74.2 feet
thence South 89 Degrees 34 Minutes 21 Seconds East 76.5 feet
thence South 89 Degrees 20 Minutes 06 Seconds East 77.1 feet
thence South 88 Degrees 42 Minutes 15 Seconds East 35.1 feet
thence South 89 Degrees 52 Minutes 22 Seconds East 43 feet
thence South 89 Degrees 50 Minutes 33 Seconds East 80.4 feet
thence South 89 Degrees 51 Minutes 13 Seconds East 82.4 feet
thence North 89 Degrees 55 Minutes 08 Seconds East 82 feet
thence South 89 Degrees 30 Minutes 52 Seconds East 47.3 feet
thence North 88 Degrees 00 Minutes 18 Seconds East 22.3 feet
thence South 88 Degrees 06 Minutes 27 Seconds East 8.5 feet
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thence South 86 Degrees 51 Minutes 57 Seconds East 71 feet
thence South 84 Degrees 20 Minutes 44 Seconds East 66.3 feet
thence South 82 Degrees 08 Minutes 25 Seconds East 67 feet
thence South 79 Degrees 19 Minutes 46 Seconds East 67.2 feet
thence South 76 Degrees 40 Minutes 59 Seconds East 66.9 feet
thence South 74 Degrees 26 Minutes 20 Seconds East 34.8 feet
thence South 70 Degrees 34 Minutes 39 Seconds East 32.1 feet
thence South 73 Degrees 11 Minutes 13 Seconds East 68 feet
thence South 70 Degrees 22 Minutes 29 Seconds East 67.4 feet
thence South 68 Degrees 55 Minutes 02 Seconds East 68.4 feet
thence South 66 Degrees 58 Minutes 16 Seconds East 70.4 feet
thence South 65 Degrees 01 Minutes 33 Seconds East 72.2 feet
thence South 63 Degrees 02 Minutes 26 Seconds East 71.6 feet
thence South 64 Degrees 40 Minutes 09 Seconds East 9.1 feet
thence South 60 Degrees 29 Minutes 24 Seconds East 62 feet
thence South 58 Degrees 55 Minutes 53 Seconds East 70 feet
thence South 59 Degrees 06 Minutes 46 Seconds East 69.1 feet
thence South 55 Degrees 28 Minutes 33 Seconds East 68.4 feet
thence South 55 Degrees 36 Minutes 54 Seconds East 51.9 feet
thence South 55 Degrees 19 Minutes 05 Seconds East 16 feet
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thence South 53 Degrees 23 Minutes 05 Seconds East 57.4 feet more or less to the ending point at: 38 degrees 04 minutes 25.62 seconds North Latitude and -111 degrees 57 minutes 07.77 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,510,257.1 feet and Y = 10,355,178.1 feet.